SUPREME COURT OF MISSOURI
en banc

STATE OF MISSOURI,	)	*Opinion issued December 29, 2025*
	)	
Appellant,	)	
	)	
v.	)	No. SC101178
	)	
ISRAEL BARRERA,	)	
	)	
Respondent.	)	

APPEAL FROM THE CIRCUIT COURT OF CASS COUNTY
The Honorable Stacey J. Lett, Judge

The state filed an interlocutory appeal of the circuit court's order sustaining Israel Barrera's motion to suppress the test results of a urine sample seized and tested pursuant to two separate warrants (warrant 1 and warrant 2). The state raises two points on appeal, arguing the circuit court erred in suppressing the urine test results because warrant 1 was supported by probable cause (point 1) and, even if probable cause was lacking, the good faith reliance exception to the exclusionary rule should apply to permit the introduction of the test results (point 2). The Court finds point 1 dispositive and holds the issuing judge had a substantial basis to conclude the application for warrant 1 was supported by

probable cause. The portion of the circuit court's order suppressing the urine test results is reversed, and the case is remanded for further proceedings.[1]

Factual and Procedural Background

On July 12, 2021, the Cass County sheriff's office received a report that Barrera molested a 14-year-old girl (Victim). A subsequent medical examination confirmed Victim had contracted a sexually transmitted disease called trichomoniasis (the STD). In the forensic interview portion of the hospital examination, Victim disclosed Barrera molested her several times over many years.

On September 1, 2021, Barrera was taken into custody, and, pursuant to a warrant, officers seized a urine sample and buccal swab. The urine sample, however, was found to be improperly preserved and unusable for testing on September 13, 2021.

On September 14, 2021, a detective simultaneously filed two separate warrant applications, one for warrant 1 and the other for warrant 2. The application for warrant 1 sought to seize another urine sample from Barrera, and the application for warrant 2 sought to test the urine seized pursuant to warrant 1. The affidavit attached to the application for warrant 1 provided the following facts to support probable cause:

> Affiant and Applicant being duly sworn deposes and states that he a graduate of the Central Missouri State University with a Bachelor of Science degree in Criminal Justice Administration, Graduate of MO Sheriff's Association Law Enforcement Academy with over 15 years' experience and training in criminal investigations has probable cause to believe that the above listed

[1] In his motion, Barrera also argued law enforcement illegally pinged his cell phone without a warrant, leading to his arrest, interrogation, and search. The circuit court found the ping was lawful and denied Barrera's request to suppress evidence obtained as a result of it. This portion of the circuit court's order is not challenged on appeal and will not be addressed.

> property to be searched for and seized, photographed or copied, is now located upon said described person, place or thing based upon the following facts, to-wit:
>
> On July 12, 2021, it was reported to the Cass County Sheriff's Office, a fourteen year old girl, [Victim,] had been sexually molested by … Mr. Israel Barrera. An examination by Children's Mercy Hospital determined [Victim] had contracted a sexually transmitted disease Trichomonas [sic]. [Victim] denied having any consensual partners to the medical staff conducting the examination.

In the application for warrant 2, the detective sought to search "[a] urine sample recovered on September 14, 2021," from Barrera and test the urine sample for STDs, "specifically Trichonomas [sic]." The affidavit attached to the application for warrant 2 was substantially similar to that of the application for warrant 1; however, warrant 2's affidavit included the additional statement that "[a] search warrant was obtained and a urine sample was obtained from [Barrera] on September 14, 2021."

A judge issued both warrants. The same day, law enforcement officers seized a urine sample and submitted it for testing. Barrera's urine tested positive for the STD.

During his subsequent criminal trial, Barrera filed a motion to quash warrant 1 and warrant 2 and suppress the urine test results. The circuit court first found warrant 2 was unnecessary because warrant 1 authorized both the seizure and search of the urine pursuant to *State v. Swartz*, 517 S.W.3d 40 (Mo. App. 2017). Accordingly, the circuit court found any challenge to warrant 2 irrelevant and moot, limited its analysis to warrant 1, and found the affidavit failed to establish probable cause to seize and test the urine sample. The circuit court further held the good-faith reliance exception to the exclusionary rule did not apply because the affidavit was so lacking in indicia of probable

cause that a well-trained officer would not reasonably rely on it. The circuit court sustained Barrera's motion to suppress the urine test results.

The state timely filed an interlocutory appeal pursuant to section 547.200.1.[2] This Court granted transfer after disposition by the court of appeals and has jurisdiction. Mo. Const. art. V, § 10.

Standard of Review

The Fourth Amendment to the United States Constitution guarantees no warrant shall issue except upon probable cause supported by oath or affirmation. *State v. Berry*, 801 S.W.2d 64, 66 (Mo. banc 1990). An issuing judge must determine whether probable cause exists from the totality of the circumstances. *State v. Neher*, 213 S.W.3d 44, 49 (Mo. banc 2007) (citing *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). In making this determination, the issuing judge must "make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." *Gates*, 462 U.S. at 238 (quotations omitted). The issuing judge "need only find a fair probability that contraband will be found; it is not necessary to establish the presence of contraband either *prima facie*, or by a preponderance of the evidence, or beyond a reasonable doubt." *State v. Laws*, 801 S.W.2d 68, 70 (Mo. banc 1990) (citation and quotations omitted).

[2] All statutory references are to RSMo 2016 unless otherwise noted.

"Accordingly, in reviewing a [circuit] court's ruling on a motion to suppress evidence seized pursuant to a search warrant, the [C]ourt gives great deference to the initial judicial determination of probable cause that was made at the time the warrant issued." *Neher*, 213 S.W.3d at 49. Given the strong preference that searches be conducted pursuant to a warrant, "a reviewing court should not quash a warrant by construing it in a hypertechnical, rather than a commonsense, manner." *Id.* A reviewing court simply ensures, by looking only within the four corners of the warrant application and supporting affidavits, that the issuing judge had a substantial basis for finding probable cause did exist. *Id.* The evidence seized pursuant to the search warrant will be suppressed only if the issuing judge "clearly erred in initially determining, based on the totality of the circumstances, that probable cause existed." *Id.*

Analysis

The state argues the circuit court erred in suppressing the urine test results because the issuing judge had a substantial basis to conclude warrant 1 was supported by probable cause.[3] The state asserts the facts provided in the affidavit, when read in a commonsense and non-hypertechnical manner, created a fair probability under the totality of the

[3] Barrera argues the state's claim is not preserved. This Court disagrees. The circuit court devoted a large portion of its order to the issue of probable cause and clarified one of the issues presented was, "put most simply, does this affidavit/application possess probable cause sufficient to permit the seizure and search of Israel Barrera's person?" It then conducted a thorough probable cause analysis, including discussion of the same issues now presented on appeal. Because the circuit court clearly addressed the matter, this Court considers it preserved for purposes of appeal. *See State v. Vandervort*, 663 S.W.3d 520, 524 n.3 (Mo. App. 2023) (finding the issue of the admissibility of Vandervort's refusal to consent to a blood alcohol test was preserved because the circuit court clearly addressed it).

circumstances that evidence of sexual molestation (namely, the STD) would be found in Barrera's urine.

Barrera argues, as the circuit court held, the issuing judge could not properly rely on the portion of the affidavit stating law enforcement received a report that Barrera molested Victim. Barrera contends the affidavit provides no basis for the reliability or credibility of this hearsay report. Barrera points out the affidavit fails to explain who made the report or why that person believed Barrera molested Victim. This information, however, is not the only way to determine reliability or credibility in a totality-of-the-circumstances analysis.

"An affidavit that relies on hearsay is sufficient to support a finding of probable cause if there is a substantial basis for crediting the hearsay." *State v. Baker*, 103 S.W.3d 711, 720 (Mo. banc 2003). When evaluating whether to credit a hearsay report contained in a supporting affidavit, the issuing judge considers the totality of the circumstances, including the "veracity" and "basis of knowledge" of the persons supplying the hearsay information. *Id.*

The United States Supreme Court has clarified, however, that an informant's "veracity," "reliability," and "basis of knowledge," while "all highly relevant in determining the value of his report[,]" are not "separate and independent requirements to be rigidly exacted in every case." *Gates*, 462 U.S. at 230 (quotations omitted). Instead, "they should be understood simply as closely intertwined issues that may usefully illuminate the commonsense, practical question whether there is 'probable cause' to believe that contraband or evidence is located in a particular place." *Id.* In other words,

an informant's "veracity" and "basis of knowledge" should not be considered elements that must be independently satisfied in the same manner in every case before crediting a hearsay report; rather, they "are better understood as relevant considerations in the totality-of-the-circumstances analysis that traditionally has guided probable cause determinations: a deficiency in one may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, ***or by some other indicia of reliability***." *Id.* at 233 (emphasis added).

Another recognized indicium of reliability of value in the totality-of-the-circumstances analysis is the "corroboration of details of an informant's tip by independent police work[,]" including medical examination results reported to police. *Id.* at 241. The inclusion of those corroborative details in the affidavit can be sufficient to permit the issuing judge to credit the hearsay statement. *See id.* at 226 (noting an issuing judge could have found an anonymous tip included in a search warrant application "substantially corroborated" by other facts included in the affidavit). Indeed, whether the report comes from an anonymous source whose honesty and reliability is unknown to police "bec[omes] far less significant after [law enforcement conducts] independent investigative work" tending to corroborate the report. *Id.* at 244.

Here, the circuit court found "no indication of any basis for reliability or credibility" as to the hearsay report. This holding, however, ignores the corroborative details included in the affidavit: that Victim tested positive for the STD and denied having any consensual partners. These details commonsensically corroborate the report's assertion that Victim was molested and indicate the report's other assertion (that it was

Barrera who molested her) was likely also true. *See id.* ("The corroboration of the letter's predictions that the Gates' car would be in Florida, that Lance Gates would fly to Florida in the next day or so, and that he would drive the car north toward Bloomingdale all indicated, albeit not with certainty, that the informant's other assertions also were true."). The issuing judge could rely on the report that Barrera molested Victim given it was corroborated in major part by the remaining facts in the affidavit. As in *Gates*, this corroboration "suffices for the practical, common-sense judgment called for in making a probable cause determination." *Id.*

Barrera argues, even with credit given to the hearsay report, the affidavit still did not include enough factual information to support a finding of probable cause. Barrera points to the circuit court's order, which found the affidavit was missing many key pieces of information: it failed to explain, *i.e.*, when Victim's hospital examination occurred, how the STD is transmitted, how medical personnel test for the STD, what type of sexual molestation was involved, and how long the STD remains in a person.

This hypertechnical analysis, however, holds the state to a higher burden than the Fourth Amendment requires. To obtain a warrant, law enforcement simply must put forth facts indicating ***a fair probability*** that evidence of a crime will be found in a particular place. *Id.* at 238. Indeed, whether a fair probability exists is "not technical; [it is a] factual and practical consideration[] of everyday life on which reasonable and prudent men, not legal technicians, act." *Id.* at 231 (quotations omitted). Moreover, courts must practically and commonsensically determine whether probable cause exists with the understanding that "affidavits are normally drafted by nonlawyers in the midst

and haste of a criminal investigation." *Id.* at 235 (quotations omitted). "Technical requirements of elaborate specificity … have no proper place in this area." *Id.* (quotations omitted).

The affidavit stated law enforcement received a report that Barrera molested Victim and that, during a medical examination, Victim tested positive for the STD despite denying to medical staff she had any consensual sexual partners. Barrera concedes the fact Victim tested positive for the STD despite having no consensual partners corroborates the portion of the report stating she was molested. Under *Gates*, this corroboration also substantiates the report's other assertion that it was Barrera who molested her. *Id.* at 244. If Victim had the STD, was molested by Barrera, and had no other consensual partners, common sense dictates there is at least a fair probability the STD would be found in Barrera's urine. When read together in a non-hypertechnical manner, the facts in the affidavit provided a substantial basis for the issuing judge to have found probable cause to order the seizure and search of Barrera's urine. The issuing judge did not clearly err in this determination.[4]

[4] Despite so holding, the Court does not condone the use of such limited facts to support probable cause in a warrant application, especially when, as here, much more was known, or easily could have been discovered, by law enforcement when the application was filed. At the suppression hearing, the detective disclosed that it was Victim's mother who reported the allegation and that the allegation was corroborated by Victim's own disclosures during the subsequent forensic interview at the hospital. These facts could have simply been included in the affidavit. Additional facts and details, such as when Victim's hospital examination occurred, what type of sexual molestation was involved, and how medical personnel generally test for STDs also could have easily been discovered, if not known, and included in the affidavit.

Conclusion

For the reasons set forth above, the circuit court's order is reversed in part, and the case is remanded for further proceedings.[5]

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ROBIN RANSOM, JUDGE

All concur.

While the affidavit established probable cause without these additional facts and details as the Court so holds, the Court emphasizes this was a marginal case. "Even when the sufficiency of an affidavit is marginal, our determination should be informed by the preference accorded to warrants." *State v. Trenter*, 85 S.W.3d 662, 677 (Mo. App. 2002). "The preference for warrants that requires [this Court] to give deference to the issuing judge's determination of probable cause also requires some latitude in interpretation of the supporting affidavit." *Id.* Even so, law enforcement officers should make every effort to include a detailed and complete account of all facts supporting a basis for probable cause in affidavits supporting warrant applications.

[5] The Court affirms the circuit court's holding that warrant 1 authorized both the seizure and search of Barrera's urine and that warrant 2 was, therefore, unnecessary. *Swartz*, 517 S.W.3d at 49-50. Accordingly, any challenge to the sufficiency of warrant 2 remains irrelevant and moot on remand.